

HIGH COURT OF UTTARANCHAL AT NAINITAL

**Criminal Revision No. 510/2001
(Old No. 245 of 1994)**

Mahalaxmi Sugar Mill Com. Ltd. and others	Revisionists
Vs.	
State of U.P. and other	Respondents

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri H.C.Pandey learned A.G.A. for the State and perused the record.

This criminal revision under section 397/401 of the Code of Criminal Procedure (for short 'Code') preferred against the summoning order dated 18.6.1993 and 4.1.1994 passed by the learned Magistrate. The learned Magistrate took cognizance of the offences punishable under sections 8(1)(b) read with section 11(1) of the U.P. Seera Niyam Adhiniyam 1964 on a written complaint preferred by the Excise Inspector. The impugned order of summoning was challenged mainly on the ground that the learned Magistrate has neither applied his mind nor has considered the evidence which was filed to support the allegations of the complaint. While taking cognizance on a complaint under section 204 of the Code the learned Magistrate is not supposed to pass a detailed order and it is sufficient if the Magistrate found the sufficient reasons to proceed with the case against the wrongdoer. Considering this, the summoning order dated 18.6.1993 and dated 4.1.1994 does not suffer from vice of impropriety or illegality and therefore the revisions devoid of merit and is liable to be dismissed.

The petition is hereby dismissed. Stay order dated 9.2.1994 is vacated. The Magistrate concerned is directed to expedite the trial of the case no. 1249/1993.

(Irshad Hussain, J.)

Date 24.4.2004

Rawat